

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STRAIGHT PATH IP GROUP, INC.,

No. C 16-03463 WHA

No. C 16-03582 WHA

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

STRAIGHT PATH IP GROUP, INC.,

**ORDER DENYING
ADMINISTRATIVE MOTION
TO FILE UNDER SEAL AND
ORDER TO SHOW CAUSE**

Plaintiff,

v.

APPLE INC.,

Defendant.

Defendant Cisco Systems, Inc.’s administrative motion to redact parts of the summary judgment order dated November 13, 2017 (Case No. 16-3463, Dkt. No. 166), is **DENIED**. Cisco seeks to redact (1) the time interval at which registration data in its accused server expires and (2) one of three diagrams illustrating how its accused system works. Cisco claims this is “protected business information pertaining to the operation of Cisco’s products . . . disclosure of [which] could give competitors insight into how Cisco products function, and . . . be used to mimic Cisco products to the detriment of Cisco” (*see id.*, Dkt. Nos. 166-1 ¶ 3, 166-4 at 10).

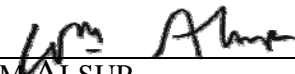
1 *First*, the same could be said of numerous other passages in the order — which Cisco
2 did *not* seek to redact — that discuss the operation of Cisco’s accused products. *Second*, the
3 periodic updating of registration data is a common feature of systems like Cisco’s, including
4 Apple’s accused system and systems in the prior art. For example, as described in the summary
5 judgment order, other judicial opinions have discussed the use of such periodic updating in the
6 prior art. Apple also did not seek to redact the time intervals used in its accused system from
7 the summary judgment order. This indicates that the time intervals used in such systems
8 generally do not derive competitive value from secrecy. Cisco has made no showing to the
9 contrary and there is no reason to believe that Cisco’s particular time interval is any more
10 valuable than other publicly-known time intervals. On the other hand, details about Cisco’s
11 accused products are important to the public’s ability to understand the merits of its case,
12 including the summary judgment order’s specific reasoning as to why Cisco does not infringe.
13 In short, Cisco has not shown compelling reasons that outweigh the public’s right to access.

14 Other than Cisco, no party in the above-captioned actions sought to redact the summary
15 judgment order. That order will be filed on the public docket in its entirety in both actions
16 unless Cisco obtains emergency relief from the Federal Circuit by **NOVEMBER 21 AT NOON**.

17 Previously, the parties in both actions vastly overreached in their administrative motions
18 to file documents under seal in connection with summary judgment proceedings, as well as
19 plaintiff Straight Path IP Group, Inc.’s motion to strike in Case No. 16-3463. By **NOVEMBER**
20 **21 AT NOON**, the movants in both actions shall **SHOW CAUSE**, in writing and with particularity,
21 why any portion of those documents should remain under seal pursuant to *Kamakana v. City &*
22 *County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006), and our Civil Local Rules, failing which the
23 administrative motions will be denied in their entirety.

24
25 **IT IS SO ORDERED.**

26
27 Dated: November 16, 2017.

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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE